

AN ACT

ENTITLED, An Act to continue the moratorium on new nursing facility beds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as follows:

Each nursing facility in this state may operate no more than the number of beds authorized by the Department of Health pursuant to this chapter and in existence on the effective date of this Act.

Section 2. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as follows:

No new nursing facility may be constructed, operated, or maintained in this state unless the nursing facility is serving as a replacement for an existing facility and is required in order to:

- (1) Eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations;
- (2) Comply with state licensure standards;
- (3) Comply with accreditation or certification standards which shall be met to receive reimbursement under Title XVIII or XIX of the Social Security Act as amended to December 31, 1994;
- (4) Respond to an emergency situation created by a natural disaster such as tornadoes, floods, fire, or explosions; or
- (5) Improve physical conditions which are related to operational or functional deficiencies.

Section 3. This Act is repealed on June 30, 2005.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1040

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1040

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State